

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 13-20358

Hon. Matthew F. Leitman

v.

SUBHA S. REDDY,

Defendant.

**SUPPLEMENTAL ORDER FOR COMPETENCY EVALUATION
AND HEARING**

By Order dated October 6, 2014, this Court ordered Defendant Subha S. Reddy (“Defendant”) to “submit to a competency examination pursuant to 18 U.S.C. § 4241...” (ECF #76.) In that Order, the Court directed the parties to “confer and, if possible, jointly recommend to the Court a physician(s) and/or mental health professional(s) to conduct the competency evaluation.” (*Id.*) The parties have been unable to agree on an evaluator. The government has proposed Craig A. Lemmen, M.D., and it has submitted a *curriculum vitae* for Dr. Lemmen. Defendant has proposed Dr. Marina Novikova, but Defendant has not yet been able to submit a *curriculum vitae* or any significant biographical information about Dr. Novikova to the Court.

For the reasons stated on the record during the October 16, 2014, telephonic status conference, **IT IS HEREBY ORDERED THAT** pursuant to the Insanity Defense Reform Act of 1984, 18 U.S.C. §§ 4241-4247, Craig A. Lemmen, M.D., is appointed, authorized, and directed to examine the mental condition of Defendant Subha S. Reddy, and that this examination take place in the Eastern District of Michigan. *See id.* at §§ 4241(a)-(b) and 4247(b). Defendant shall make herself available for this examination within thirty (30) days of the entry of this Order.

IT IS FURTHER ORDERED THAT

a) Dr. Lemmen prepare, as soon as practical following his examination of Defendant, a written report that includes (1) the Defendant's history and present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; (3) his findings; and (4) his opinions as to diagnosis, prognosis, and whether the Defendant is suffering from a mental disease or defect rendering her mentally incompetent to understand the nature and consequences of the proceedings against her or to assist properly in her own defense. *See* 18 U.S.C. §§ 4241(b) and 4247(c);

b) Dr. Lemmen promptly file his written report with this Court and provide copies of the report to Defendant's counsel and the attorney for the government. *See id.* § 4247(c); and

c) The period beginning with the date of the Final Pretrial Conference, held on October 2, 2014, and ending with the conclusion of the competency hearing, *see id.* §§ 4241(c) and 4247(d), is deemed an excludable delay under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(A), and that the period beginning the day after the conclusion of the competency hearing and ending with the Court's ruling on Defendant's mental competency or with the lapse of 30 days, whichever occurs first, is deemed an excludable delay pursuant to 18 U.S.C. § 3161(h)(1)(H).

Following receipt of Dr. Lemmen's report, the Court will conduct a competency hearing pursuant to 18 U.S.C. § 4247(d). If Defendant intends to introduce expert testimony regarding her mental competency at the hearing, she shall have her proposed expert(s) file a report(s) in a substantially similar form to Dr. Lemmen's report – described above in sub-paragraph (a). Defendant shall file such a report(s) not later than forty-five (45) days from the entry of this Order.

All reports, including Dr. Lemmen's report and any report authored by an expert Defendant retains, shall be filed under seal.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 16, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 16, 2014, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113